

JRW



PATENT
Customer No. 22,852
Attorney Docket No. 07883.0036-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Marvin GUILES et al.) Group Art Unit: 3751
Application No.: 10/617,176)
Filed: July 11, 2003) Examiner: J. CASIMER JACYNA
For: LEFT VENTRICULAR) Confirmation No.: 3040
CONDUITS AND METHODS)
FOR DELIVERY
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated December 1, 2004, the Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly distinct inventions:

- Group I - Claims 9-13, 18-39 and 49-51;
- Group II - Claims 1-8, 47, 48 and 64-67;
- Group III - Claims 68 and 69;
- Group VI - Claims 14-17, 40-46 and 52-63; and
- Group V - Claims 70-85.

From a review of the U.S. Patent and Trademark Office PAIR website, it appears that the Supplemental Preliminary Amendment filed on November 24, 2004, which added claims 86-90, was not entered into the application when the restriction requirement was issued. Further, it appears that claims 1-14, 18-46, and 49-51 were

not cancelled as set forth in the application Transmittal filed with this application on July 11, 2003. Accordingly, Applicants respectfully request the entry of the amendments set forth in the Supplemental Preliminary Amendment filed on November 24, 2004 and the application Transmittal filed with this application on July 11, 2003. Applicants attach hereto a "Current Listing of Claims" representing the currently pending claims after entry of the Supplemental Preliminary Amendment and cancellation of claims in the Transmittal.

Assuming that the above-referenced amendments are entered, canceling claims 1-14, 18-46, and 49-51, and adding claims 86-90, claims 15-17, 47-48, and 52-90 are now pending in this application. For the Examiner's convenience, a current listing of claims incorporating all of the aforementioned amendments are attached. Based on the groups of claims delineated in the restriction requirement, Applicants will work from the assumption that the grouping of claims would likely be as follows:

- Group I - No claims pending;
- Group II - Claims 47,48, and 64-67;
- Group III - Claims 68 and 69;
- Group IV - Claims 15-17 and 52-63;
- Group V - Claims 70-85; and
- Group VI - Claims 86-90.

From these groups of claims, Applicants provisionally elect to prosecute Group IV, claims 15-17 and 52-63 allegedly drawn to a device for measuring a depth of insertion, with traverse.

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Response to Restriction Requirement - December 28, 2004

Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 28, 2004

By: 
Michael W. Kim
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Attachment: Current Listing of Claims